

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
November 30, 2017**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-17-234	Construct exterior alterations to a Single Detached House (Driveway extension 2.13m x 7.91m), existing without permits 17015 - 65 Street NW Project No.: 265698191-001
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II	10:30 A.M.	SDAB-D-17-235	Operate a Major Home Based Business (Legal Services - Trilogy Family Law) 21351 - 88 Avenue NW Project No.: 261476269-001
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III	1:30 P.M.	SDAB-D-17-236	Install (1) Freestanding Minor Digital Off-premises Sign (Digital panel 14.7m x 4.3m facing south; non-Digital panel facing north (Pattison Outdoor - Super 8 Hotel) and to remove existing Freestanding Off-premises Sign DP: 869803-002) 16818 - 118 Avenue NW Project No.: 255196090-001
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NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-234

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 265698191-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension 2.13m x 7.91m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 2, 2017

DATE OF APPEAL: November 7, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17015 - 65 Street NW

LEGAL DESCRIPTION: Plan 1520589 Blk 14 Lot 4

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Pilot Sound Area Structure Plan
McConachie Neighbourhood Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

The compliance of as built driveway had never been refused in the past and I was not aware of this regulation. Same size and design of the driveway which is located just 5 lots north was just approved few months ago. This has been our practice for at numerous house we built in Edmonton. It was never refused neither it was ever mentioned either when getting development permit or acquiring compliance. This refusal has come as a surprise for a house which is sold and owners do not want us to cut it to meet the standards mentioned in the refusal. Kindly approve the as built and since we now are aware of this regulation it will be followed going forward.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, [...]

...

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the (RSL) Residential Small Lot Zone.

Under section 6.1(2), **Accessory** means, “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1(30), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1(76), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1(122), **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the (RSL) **Residential Small Lot Zone** is:

to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

Off-street Parking and Loading Regulations

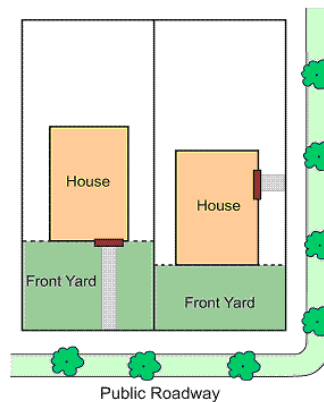
Section 54.1(4) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and
- d. ...

Under section 6.1(45), **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Development Officer's Determination:

1. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking

spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser. (Reference Section 54.1.4(c))


The Driveway extension is 2.13m x 7.91m which results in a total Driveway width of 8.57m. As per the regulation above, the permitted Driveway width for the subject Garage is 6.44m. This Driveway exceeds the allowable width by 2.13m.

2. The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1.4(a))

The proposed extension does not lead directly to the Garage.
[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 265698191-001 Application Date: OCT 27, 2017 Printed: November 7, 2017 at 10:56 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Minor Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 17015 - 65 STREET NW Plan 1520589 Blk 14 Lot 4
Scope of Application To construct exterior alterations to a Single Detached House (Driveway Extension 2.13m x 7.91m), existing without permits.	
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
Reason for Refusal The application is refused for the following reason(s):	
1. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser. (Reference Section 54.1.4(c)) The Driveway extension is 2.13m x 7.91m which results in a total Driveway width of 8.57m. As per the regulation above, the permitted Driveway width for the subject Garage is 6.44m. This Driveway exceeds the allowable width by 2.13m.	
2. The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1.4(a)) The proposed extension does not lead directly to the Garage.	
Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
Issue Date: Nov 02, 2017 Development Authority: KIM, JENNIFER Signature: _____	
THIS IS NOT A PERMIT	



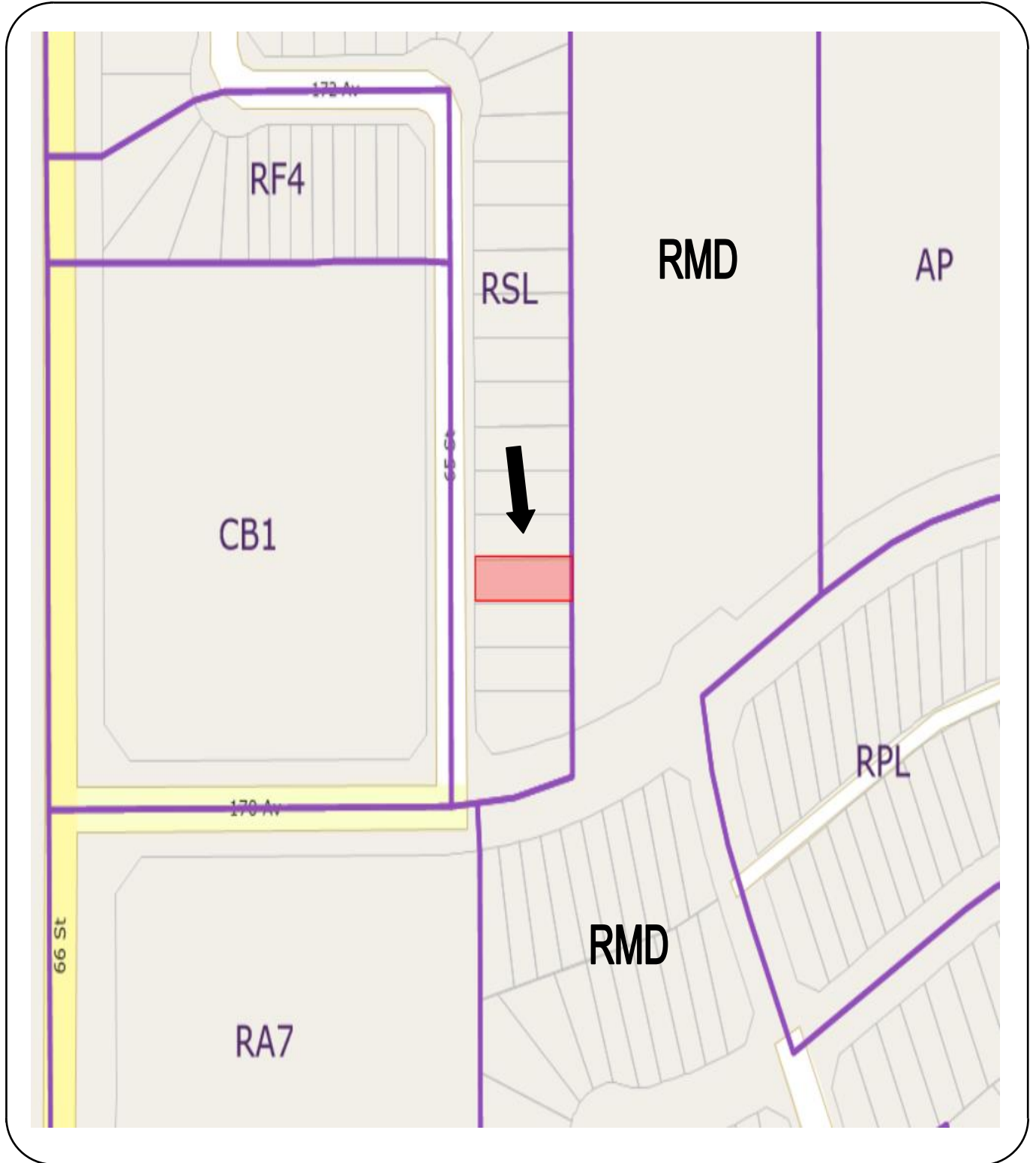
Project Number: **265698191-001**
Application Date: OCT 27, 2017
Printed: November 7, 2017 at 10:56 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Penalty Fee	\$166.00	\$166.00	04587271	Oct 27, 2017
Dev. Application Fee	\$166.00	\$166.00	04587271	Oct 27, 2017
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$332.00	\$332.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-234



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-235

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 261476269-001

APPLICATION TO: Operate a Major Home Based Business
(Legal Services - Trilogy Family Law)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: October 17, 2017

NOTIFICATION PERIOD: October 24, 2017 through November 7, 2017

DATE OF APPEAL: November 6, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 21351 - 88 Avenue NW

LEGAL DESCRIPTION: Plan 0225953 Blk 23 Lot 55

ZONE: (RPL) Planned Lot Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan
Suder Greens Neighbourhood Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Parking: Our street is plugged mornings and evenings. Visiting clients and any office staff will only add to the daily curb parking concerns. There is no chance of parking in the alley at the rear of the residence in question as the sloped concrete garage apron is only 2.3 meters (7.5 feet) long.

Small lot development. The lots on the street are only 33 to 35 feet wide which greatly reduces the number of parking spots in front of the Trilogy Family Law house.

Narrow Street width: Our front street is 9 meters wide. When 2 vehicles are parked across the street from each other, oncoming vehicles cannot squeeze past each other due to the narrowness of the street.

Increased street traffic: Our street is a cul de sac which means any vehicles travelling up the street must turn around and return the same way thereby doubling the traffic flow.

Safety risk: We have multiple young families on the street which presents a heightened risk of a child being run over due to the increased parking and street traffic on a narrow street.

Amenities and Character of the neighbourhood: The approval of one Discretionary Use Major Home Based Business can result in precedence setting for our street. What's next an accountant-book keeping office, a tattoo parlor, a beauty salon, a day care, etc. Approval of a Major Home Based Business detracts from the present amenity of the street and neighbourhood

Decreased Property Values: Allowance of a Major Home Based Business in a residential neighbourhood made up of small lot, single family homes is contrary to the purposes and character of the neighbourhood and will result in a decrease in the property value of the homes in proximity to this Major Home Based Business residence.

Correctness of the Major Home Based Business approval: Approval of a law firm as a Major Home Based Business provides the Trilogy Family Law firm with an unfair advantage over law firms that rent actual commercial space.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the decision is made under section 642, or

(B) ...

...

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 130.3(4), a **Major Home Based Business** is a **Discretionary Use** in the (RPL) Planned Lot Residential Zone.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 130.1 states that the **General Purpose** of the (RPL) **Planned Lot Residential Zone** is:

to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

Development Officer's Determination

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 130.3(4)).

ADVISEMENTS:

This approval is for a legal services office allowing for up to a maximum of (3) visits to the home maximum per day. [unedited].

Major Home Based Business regulations

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 261476269-001
Application Date: SEP 07, 2017
Printed: November 6, 2017 at 3:19 PM
Page: 1 of 3

Home Occupation

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant	Property Address(es) and Legal Description(s) 21351 - 88 AVENUE NW Plan 0225953 Blk 23 Lot 55
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Scope of Permit
To operate a Major Home Based Business (legal services - TRILOGY FAMILY LAW).

Permit Details	
# of business related visits/day: 3 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 3 Business has Trailers or Equipment?: N Description of Business: Legal services Expiry Date: 2022-10-17 00:00:00

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **261476269-001**
 Application Date: SEP 07, 2017
 Printed: November 6, 2017 at 3:19 PM
 Page: 2 of 3

Home Occupation

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit may be revoked or invalidated, at any time, if the Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes. This includes mechanical or electrical equipment used which creates external noise or interference with home electronic equipment in adjacent Dwellings. (Reference Section 75.2)

There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling. (Reference Section 75.1)

This approval is for a 5 year period ONLY from the date of this decision. A new Development Permit must be applied for to continue to operate the business from this location.

There shall be no more than three (3) business associated visit per day at the Dwelling. The business Use must be secondary to the residential Use of the building and no aspects of the business operations shall be detectable from outside the property. The number of non-resident employees or business partners working on-site shall not exceed two at any one time. (Reference Section 75.4)

There shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced. (Reference Section 75.2)

No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg or more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of 4 600 kg or less, for longer than reasonably necessary while loading or unloading such vehicle. (Reference Section 45.1)

The business Use must maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood.

No commodity shall be displayed on the premises.

Clients visits must be by-appointment only and appointments shall not overlap with each other.

A new Development Permit must be obtained should the business change or expand.

There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings. (Reference Section 75.5)

All parking for the employees of Home Based Business must be accommodated on site. Parking on the street for non-resident employees is prohibited.

Advisements:

A Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

Unless otherwise stated, all above references to section numbers refer to the authority under the exterior Edmonton Zoning Bylaw 12800.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **261476269-001**
 Application Date: SEP 07, 2017
 Printed: November 6, 2017 at 3:19 PM
 Page: 3 of 3

Home Occupation

Variations

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 130.3(4)).

ADVISEMENTS:

This approval is for a legal services office allowing for up to a maximum of (3) visits to the home maximum per day.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 17, 2017 **Development Authority:** LEE, CHRISTIAN

Signature: _____

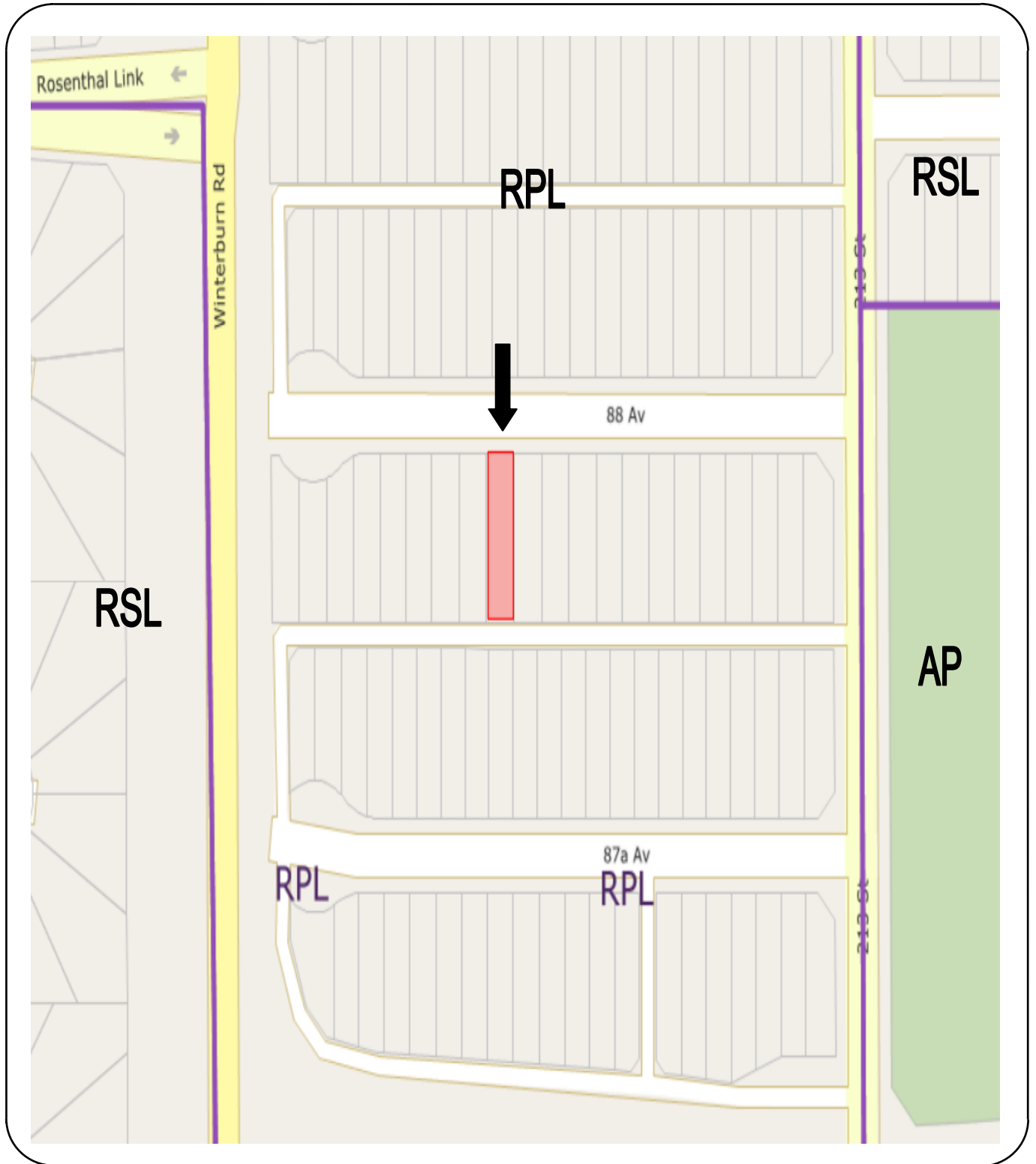
Notice Period Begins: Oct 24, 2017

Ends: Nov 07, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$309.00	\$309.00	04438631	Sep 08, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$309.00	\$309.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-235



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-236

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 255196090-001

APPLICATION TO: Install (1) Freestanding Minor Digital Off-premises Sign (Digital panel 14.7m x 4.3m facing south; non-Digital panel facing north (Pattison Outdoor - Super 8 Hotel) and to remove existing Freestanding Off-premises Sign DP: 869803-002)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 8, 2017

DATE OF APPEAL: November 17, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16818 - 118 Avenue NW

LEGAL DESCRIPTION: Plan 9623970 Blk 3 Lot 11A

ZONE: (CHY) Highway Corridor Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. Neither of the encroaching signs is the subject of a current Development Permit, and, as such, neither can be considered in establishing a failure to maintain radial separation.
2. The sign has existed at its present location for in excess of twenty (20) years without concern or complaint of any kind. Its present location is necessary so as not to interfere with adjacent truck parking.
3. Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, [...]

...

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

- ...
- (a.1) must comply with the land use policies;
 - (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 350.3(27), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the (CHY) Highway Corridor Zone.

Under section 350.3(25), **Freestanding Off-premises Signs** is a **Discretionary Use** in the (CHY) Highway Corridor Zone.

Under section 350.2(18), **Freestanding On-premises Signs** is a **Permitted Use** in the (CHY) Highway Corridor Zone.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Under section 7.9(3), **Freestanding Off-premises Signs** means:

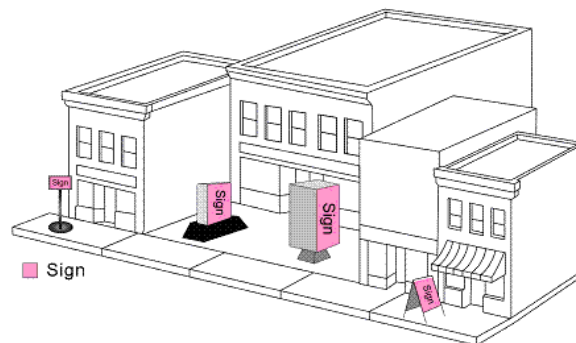
any Sign supported independent of a building, displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Under section 7.9(4), **Freestanding On-premises Signs** means:

any Sign supported independent of a building, displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Under section 6.2(8), **Freestanding Signs** means:

any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



Section 350.4(10) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 350.1 states that the **General Purpose** of the **(CHY) Highway Corridor Zone** is:

to provide for high quality commercial development along those public roadways, which serve as entrance routes to the City or along limited access public roadways intended to provide a connection to entrance routes.

<i>Separation Distance</i>

Schedule 59F.3(6)(e) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than <u>8.0 m²</u> or other Off-premises Sign
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>
<u>20 m²</u> to <u>40 m²</u>	<u>200 m</u>
Greater than <u>40 m²</u>	<u>300 m</u>

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Under section 6.2(24), **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Development Officer’s Determination

1) Section 59F.3(6)(e): Separation Distance - Proposed Sign locations shall be separated from Digital Signs greater than 8.0m² or Off-premises Signs greater than 40m² by 300m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

**Area of Proposed PATTISON Sign: 63.2 m²
Location of Existing Pattison Sign: 16806-118 Avenue NW (same site)
Required Separation Distance: 300 m
Proposed Separation Distance: 165 m
Deficient by: 135m**

**Area of Proposed PATTISON Sign: 63.2 m²
Location of Existing Pattison Sign: 17020-118 Ave NW
Required Separation Distance: 300 m
Proposed Separation Distance: 127 m
Deficient by: 173m**

The Zoning Bylaw establishes the separation distances between digital signs and off-premises signs to prevent the proliferation of such signs.

Setback

Schedule 59F.3(6)(j) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- j. proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.

Section 350.4(3) states:

A minimum Setback of 7.5 m shall be required where a Site abuts a public roadway including a Lane that serves a Residential Zone, or where a Site abuts the lot line of a Site zoned Residential.

Under section 6.1(97), **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Development Officer's Determination

2) Section 59F.3(6)(j): Setback - Proposed Minor Digital Off-premises Signs with an Area greater than 8.0 m² shall not be located within any Setback.

**Proposed Digital Sign Area: 63.2m²
Required Setback: 7.5m
Proposed Setback: 1.81m
Deficient by: 5.69m**

Schedule 59F Sign Regulations

Schedule 59F.3(6) states:


Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
 - i. ...
 - ii. 65.0 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 65.0 m²;
- ...
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and

1. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 255196090-001 Application Date: JUN 26, 2017 Printed: November 22, 2017 at 8:03 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 16818 - 118 AVENUE NW Plan 9623970 Blk 3 Lot 11A
Scope of Application To install (1) Freestanding Minor Digital Off-premises Sign (digital panel 14.7m x 4.3m facing south; non-digital panel facing north (PATTISON OUTDOOR - Super 8 Hotel) and to remove existing Freestanding Off-premises Sign DP: 869803-002).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 0	Class of Permit: Class B Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: **255196090-001**
 Application Date: JUN 26, 2017
 Printed: November 22, 2017 at 8:03 AM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1) Section 59F.3(6)(e): Separation Distance - Proposed Sign locations shall be separated from Digital Signs greater than 8.0m² or Off-premises Signs greater than 40m² by 300m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

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2) Section 59F.3(6)(j): Setback - Proposed Minor Digital Off-premises Signs with an Area greater than 8.0 m² shall not be located within any Setback.

Proposed Digital Sign Area: 63.2m²
 Required Setback: 7.5m
 Proposed Setback: 1.81m
 Deficient by: 5.69m

Rights of Appeal

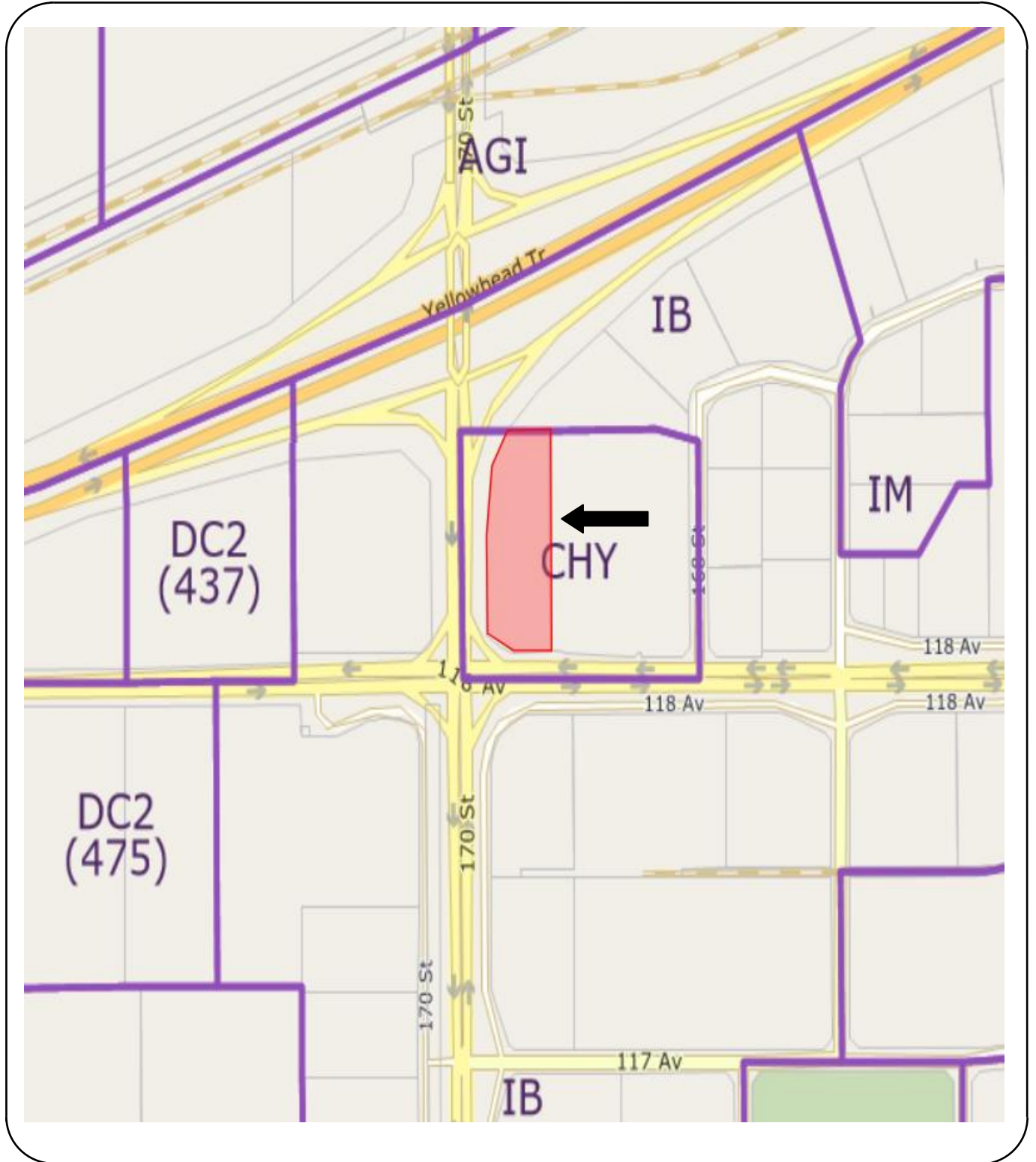
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 08, 2017 **Development Authority:** NOORMAN, BRENDA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$442.00	\$884.00	04243803	Jun 27, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$442.00	\$884.00		
(overpaid by \$442.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-236

